

03/01/02
JC979 U.S. PTO
10/087066

03-04-02

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7/29/02
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Docket No: AM200023-00
Patent

JC979 U.S. PTO
10/087066
03/01/02

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Application for Transmittal under 37 CFR 1.53 (b)

Transmitted herewith for filing is the patent application of the following Inventor(s):
Thomas Maier

For: **Herbicide 2-Alkynyl-Pyri(mi)dines**

1. This new application is for a:
☐ Divisional
☐ Continuation
☐ Continuation-in-part (CIP)
2. Benefit of Prior U.S. Application(s) (35 USC 120)
This new application being transmitted claims the benefit of prior U.S. application(s) Serial No. **60/274,755**, filed on **March 9, 2001**.
3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):
27 Pages of specification
☐ Sequence Listing (___ pages)
5 Pages of claims
1 Page(s) of abstract
Sheets of drawing
☐ Formal
☐ Informal
4. Additional papers enclosed
☒ Information Disclosure Statement
☒ Form PTO-1449
☒ Citations
☐ Declaration of Biological Deposit
☐ Computer Readable Form of Sequence Listing
☐ Declaration Under 37 CFR 1.821(f)
☐ Other:

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EL021296650US** addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

March 4, 2002
Date

Delia Coughlin
Delia Coughlin

5. Declaration

- ☐ Copy from a prior application (37 CFR 1.63 (d)) is enclosed
☐ New declaration enclosed and executed by all inventor(s)
☒ New declaration not enclosed or not executed by all inventor(s)

6. Assignment

An assignment of the invention to:

- ☐ BASF Aktiengesellschaft
☐ was made in the prior application and recorded in PTO on , Reel ,
Frame
☐ is attached under separate Recordation Form Cover Sheet.
☒ will follow.

7. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

8. Amendments

- ☐ Cancel in this application original claim
of the prior application before calculating the filing fee. (At least one original
independent claim is retained for filing purposes.)
☐ A preliminary amendment is enclosed. (Claims added by this amendment have been
properly numbered consecutively beginning with the number next following with the
highest numbered original claim in the prior application.)

9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 02-1197.

10. Filing Fee Calculation

CLAIMS AS FILED				
(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA X RATE		(4) BASIC FEE
				\$740.00
TOTAL CLAIMS	13-20		X \$ 18.00	
INDEPENDENT CLAIMS	3-3		X \$ 84.00	
MULTIPLE DEPENDENCY FEE	No		X \$ 280.00	
		Total Filing Fee:		\$740.00

11. Fee payment being made at this time: **\$740.00**
12. Method of Payment of Fees:
Charge Deposit Account No. **02-1197** in the amount of **\$740.00**
A duplicate of this transmittal is attached.
13. Instructions as to Overpayment:
Credit any overpayment to Deposit Account No. **02-1197**.
14. Authorization to Charge Additional Fees
☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **02-1197**:
☒ 37 CFR 1.16(a), (f), or (g) filing fees
☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims
☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.
☒ 37 CFR 1.17 application processing fees
15. Relate Back
☒ Amend the Specification by inserting before the first line the sentence:
This application claims the benefit under 35 USC 119(e) of provisional application 60/274,755, filed March 9, 2001.

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)


☐ the same

☐ the following additional inventors have been added:

17. Maintenance of Copendency of Prior Application

- (a) ☐ Extension of Time in Prior Application
☐ A petition, fee and response extends the term in the pending prior application until
☐ A copy of the petition filed in the prior application is attached.

- (b) ☐ Conditional petition for Extension of Time in Prior Application.
☐ A conditional petition for extension of time is being filed in the pending prior application.
☐ A copy of the conditional petition filed in the prior application is attached.

 March 1, 2002
Charles F. Costello

Reg. No. 27,324

Legal Department, NOL/P
BASF Corporation
3000 Continental Drive - North
Mount Olive, New Jersey 07828-1234
Tel. No. (609) 716-3273

03/01/02
 1c960 U.S. PTO

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (11-00)
 Approved for use through 10/31/2002. OMB 0651-0032
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

Complete if Known

Application Number	Express Mail Label No. EL021296650US
Filing Date	Herewith
First Named Inventor	Thomas Maier
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned
Attorney Docket No.	AM200063-00

TOTAL AMOUNT OF PAYMENT (\$ 740.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

02-1197

Deposit
Account
Number

BASF Corporation

- ☒ Charge Any Additional Fee Required
 Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
 See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
13	-20**=	X	
3	-3**=	X	
Multiple Dependent			

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 & over original patent

SUBTOTAL (2) (\$ 740.00


**or number previously paid, if greater ; For Reissues, see above

FEE CALCULATION (continued)

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet	
139	130	139	130	Non-English Specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner Action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner Action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive- unavoidable	
141	1,280	241	640	Petition to revive- unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
195	300	195	300	Publication Fee	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
516	3.00	516	3.00	Printed copy of patent (10 x 3.00)	
Other fee (specify):					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Charles F. Costello	Registration No. (Attorney/Agent)	27,324	Telephone	(609) 716-3273
Signature				Date:	March 1, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.